

CADES SCHUTTE
A Limited Liability Law Partnership

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RISING PHOENIX HOLDINGS CORPORATION;
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BURKE, ANDREW YONCE, LAURA
DELOACH, ROXANA TABORA, SANDRA
MULLEN, ERICA THORP, ALEXANDRIA
SCATKO, CONSTANCE LONG, LORI
NICHOLS, AARON STRONG, TIFFANY NILES,
ELENA AVETSIUK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WILFRED L. LEE, JR.,

Plaintiff,

v.

RISING PHOENIX HOLDINGS
CORPORATION; TIDAL BASIN
GROUP; TB CUSTOMER
RELATIONS, LLC; JOEL REALE;
BILL BARCELONA; TRACI
THOMPSON; MELISSA BURKE;

CIVIL NO. 25-00084 SASP-WRP

**DEFENDANTS RISING PHOENIX
HOLDINGS CORPORATION;
TIDAL BASIN GROUP; TB
CUSTOMER RELATIONS, LLC'S
MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR WRONGFUL
TERMINATION, RETALIATION
UNDER TITLE VII, ADA,
42 U.S.C. 1981, FAILURE TO**

ANDREW YONCE; LAURA
DELOACH; ROXANA TABORA;
SANDRA MULLEN; ERICA THORP;
ALEXANDRIA SCATKO;
CONSTANCE LONG; LORI
NICHOLS; AARON STRONG;
TIFFANY NILES; ELENA AVETSIUK;
JANE DOES #1-5; APPLE ONE, INC.

Defendants.

**ACCOMMODATE UNDER ADA,
CONSPIRACY TO RETALIATE,
FILED ON APRIL 17, 2025
[DKT. 14];**

**MEMORANDUM IN SUPPORT OF
MOTION;**

**DECLARATION OF AMANDA M.
JONES;**

EXHIBITS A-D;

CERTIFICATE OF SERVICE

DEFENDANTS RISING PHOENIX HOLDINGS CORPORATION; TIDAL BASIN GROUP; TB CUSTOMER RELATIONS, LLC’S MOTION TO DISMISS PLAINTIFF’S FIRST AMENDED COMPLAINT FOR WRONGFUL TERMINATION, RETALIATION UNDER TITLE VII, ADA, 42 U.S.C. 1981, FAILURE TO ACCOMMODATE UNDER ADA, CONSPIRACY TO RETALIATE, FILED ON APRIL 17, 2025 [DKT. 14]

Defendants Rising Phoenix Holdings Corporation (“**Rising Phoenix**”), Tidal Basin Group¹, and TB Customer Relations, LLC (“**TBCR**”) (collectively, the “**Entity Defendants**”)² move to dismiss the claims in the FIRST AMENDED COMPLAINT FOR WRONGFUL TERMINATION, RETALIATION UNDER TITLE VII, ADA, 42 U.S.C. 1981, FAILURE TO ACCOMMODATE UNDER ADA, CONSPIRACY TO RETALIATE (the “**FAC**”) filed by Plaintiff Wilfred L. Lee, Jr. (“**Plaintiff**”). The FAC fails to state a claim and should be dismissed.

The FAC burdens the Court and named defendants (four entities and fifteen individuals)³ with assertions that are confusing, conclusory, and insufficient to state a plausible claim for relief. Plaintiff also filed a separate lawsuit against the Entity Defendants, five individuals, and the federal government on the same day he filed

¹ “Tidal Basin Group” is a trade name, not a legal entity, so it is not properly named as a party. *See Rodenhurst v. Bank of Am.*, No. CIV. 10-00167 LEK, 2011 WL 4625696, at *6 (D. Haw. Sept. 30, 2011) (dismissing the claims against the defendant that was merely a trade name because a trade name “is not a legal entity that is capable of being sued”). Tidal Basin Group is included as part of the “Entity Defendants” for completeness.

² A separate motion addresses the claims against the individual defendants.

³ The Secretary of the Department of Homeland Security was also named as a defendant in the lawsuit, but Plaintiff subsequently dismissed her. *See* Dkt. 58.

this lawsuit, also asserting employment-related claims. *See Lee v. Rising Phoenix Holdings Corp. et al*, No. CV25-00083 DKW-RT (“**Lee’s First Lawsuit**”). Motions to dismiss are also being filed in that case.

Lee’s First Lawsuit was based on allegations and a Charge of Discrimination he filed with the Equal Employment Opportunity Commission (“**EEOC**”) *prior to* the termination of his employment. This lawsuit purports to assert claims relating to the termination of his employment alleged in a second Charge of Discrimination he filed with the EEOC *after* his termination. Some of his claims should be dismissed because they were not administratively exhausted in that second EEOC Charge. The remaining claims should be dismissed because the FAC does not contain factual allegations that plausibly suggest Plaintiff is entitled to relief.

The FAC relies on conclusory assertions and statements that “Defendants” collectively harmed him, which do not satisfy the pleading requirements. His assertion that Rising Phoenix is a “parent company” also does not suffice.

This Motion is made pursuant to Rules 7 and 12(b)(6) of the Federal Rules of Civil Procedure (“**FRCP**”). It is based on the attached memorandum in support of motion, the declaration and attached exhibits, and the records and files herein. Because Plaintiff is *pro se*, a pre-filing conference was not required prior to the filing of this Motion pursuant to Local Rule 7.8. A copy of the FAC is attached hereto as Exhibit A.

DATED: Honolulu, Hawai‘i, June 20, 2025.

CADES SCHUTTE
A Limited Liability Law Partnership

/s/ Amanda M. Jones
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